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## Facsimile Transmittal

To: Ex. Lester Kincaid

Fax: 703 872 9314

US PTO

Tech. Center 2600

From: Charles M. Leedom, Jr.

Date: 9/11/2002

Re: App. Ser. No. 09/392,676

Pages: 4 (including this page)

Sainton et al.

Filed: Sept. 8, 1999

For: App. And Method for  
Networking Omni-modal Radio  
Devices

Doc. 740301-411

☒ Urgent

☐ For Review

☐ Please Comment

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Message:

Ex. Kincaid:

Attached is a chart showing the portions of the subject application that provides 112 support for the limitations of claim 40. Please call me at 703 770-9313 when you have had an opportunity to review the attached.

Regards,

Charles Leedom



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P.02

<p>The cellular communication network of claim 38 further comprising</p>	<p>See comments S-1, S-2, S-3, and S-4 of Request for Declaration of Interference Under 37 CFR § 1.607 submitted Sept. 8, 1999. Note that the quotation S-3 from Col. 3, lines 25-42 omitted the following underlined words:</p> <p>"A more specific object of this invention is to provide a network of wireless service providers adapted to interact with a population of omni-modal wireless products within a given geographic area to permit the wireless service providers to <u>"borrow" radio frequencies from other wireless service providers within the same geographic region....</u>"</p>
<p>means for allocating said shared frequency bands</p>	<p>A carrier having need for more capacity will be authorized to use radio spectrum normally assigned to another carrier which is not using all of its assigned radio spectrum. The carrier with excess capacity will "rent" the spectrum to the carrier needing additional capacity, col. 18, line 31 through col. 19, line 11.</p> <p>Claim 1 as originally filed disclosed means for "generating a frequency request signal upon determining that a wireless communication network is at or near full capacity" and "frequency reallocating means responsive to a frequency request signal to reassign temporarily radio spectrum from a wireless communication network utilizing less of its normally assigned radio frequency to the communication network determined by said capacity detection means to be at or near full capacity."</p> <p>The description of Figs. 14 and 15 is directed to the interconnection of two networks in a manner that allows one network to use the communication channels of the other network, col. 21, line</p>

	<p>3 thru col. 22, line 6. At col. 21, lines 13-17 the specification states "it should be understood that while connection of the pager system to the AMPS system is shown as an example, <i>such connections may be provided between any systems used by the omni-modal circuit 1 to achieve similar objectives.</i>" (emphasis added)</p> <p>Circuit 1 is clearly used to allow radio frequency sharing as described above and as specifically discussed at col. 18, lines 42-49. In particular, "During rush hours, when AMPS traffic is high, additional channels might be <i>reallocated</i> to AMPS by market forces; that is, the AMPS carrier will rent additional channels from under-utilized carriers to provide the services desired by the public <i>at that time. At other times</i>, demand for other systems may increase, and AMPS or other carriers may rent their under-utilized bandwidth to carriers having a substantial demand, col. 18, lines 64-67. (emphasis added)</p> <p>Reallocation thus occurs in "real time" as the relative demand on the carriers servicing a particular area changes. Figs. 14 and 15 and the description from col. 21, line 3 thru col. 22, line 6 disclose circuitry for interconnecting any networks with which omni-modal circuit 1 can be used for allowing coordinated use of the radio spectrum between the networks.</p>
for communications on a coordinated and synchronized basis	<p>"A more specific object of this invention is to provide a network of wireless service providers adapted to interact with a population of omni-modal wireless products within a given geographic area in a manner to permit the wireless service providers to "borrow" radio frequencies from other wireless service providers within the same geographic region. As a cellular service provider in a given region finds that one of its service areas or cells</p>

has become nearly or fully loaded, frequency could be borrowed from a competitor, such as a PCS provider serving the same region. Selected omni-modal wireless product users in the overloaded area would be told to switch their omni-modal to the "leased" frequency but to use the non-PCS communications protocol appropriate to the type of service desired by the user. Implementation of this method broadly within a given geographic region will have the effect of insuring that the available radio spectrum is used to its maximum capacity to serve the needs of the wireless users on a *real time* basis, col. 3, lines 25-42 (emphasis added). Because the reallocation of spectrum occurs in "real time" dependent on changes in relative demand on the competing networks, the relocation must proceed on a "coordinated and synchronized basis."